

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:)	
)	
PRIME DEVELOPMENT, INC.,)	
)	
Debtor.)	
)	
HEARTLAND BANK,)	
)	CIVIL NO. 10-cv-756-WDS
Appellant,)	
)	
vs.)	
)	
DONALD SAMSON, TRUSTEE FOR)	
PRIME DEVELOPMENT, INC.,)	
)	
Appellee.)	

ORDER

STIEHL, District Judge:

Before the Court is appellant's motion for leave to file a supplemental reply brief (Doc. 14). Appellee has filed nothing in response.

Appellant seeks leave to file this brief to bring to the Court's attention the Honorable Michael J. Reagan's Memorandum and Order entered on February 4, 2011, in the companion appeal of *First Clover Leaf Bank v. Samson*, No. 3:10-cv-442. Judge Reagan's Order vacated the Bankruptcy Court's Order of April 16, 2010, authorizing employment of special counsel, and denied the trustee's application to employ attorney specially. Appellant asserts that the Order authorizing special counsel is the very same Order at issue in this appeal, and therefore, Judge Reagan's Order renders the current appeal fully decided. Judge Reagan's Order was entered after the date by which appellant was required to file its brief in this case.

Fed. R. Bankr. P. 8009 provides that the appellant and appellee shall each file a brief, and no further brief may be filed unless the district court or bankruptcy appellate panel grants leave to do so. Furthermore, under Fed. R. Bankr. P. 8019, “[i]n the interest of expediting decision or for other cause, the district court ... may suspend the requirements or provisions of the rules in Part VIII, except Rules 8001, 8002, and 8013, and may order proceedings in accordance with the direction.”

In light of appellant’s assertion that the noted Order is determinative of the issues before this Court, the Court **FINDS** that the supplemental brief will serve the interests of expediting the decision and resolving the issues before this Court. The Court, therefore, **GRANTS** appellant’s motion for leave to file its supplemental reply brief (Doc. 14) and **DIRECTS** appellant to file its supplemental reply brief on or before March 9, 2011.

IT IS SO ORDERED

DATE: March 2, 2011

/s/ WILLIAM D. STIEHL
DISTRICT JUDGE